

REMARKS

In the Office Action, the Examiner rejected claims 1-29. By this paper, Applicants have added new claims 30-44 and amended claims 1, 3-6, 11, 16, 19, 22, and 27 for clarification of certain features to expedite allowance of the present application. Upon entry of these new claims, claims 1-44 remain pending in the present application and are believed to be in condition for allowance. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-12 and 23-26 under 35 U.S.C. § 102(e) as anticipated by Kawanabe et al. (U.S. Patent No. 6,219,153 B1) and rejected claims 13-21 and 27-29 under 35 U.S.C. § 102(b) as anticipated by Iwasawa et al. (U.S. Patent No. 4,908,635). Applicants respectfully traverse these rejections.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not found in the cited

reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation.

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Claims 1-12 and 23-26

Applicants respectfully assert that the Kawanabe reference does not anticipate independent claims 1, 7, and 23, because claims 1, 7, and 23 recite elements that are not taught, suggested, or illustrated in the Kawanabe reference. Specifically, independent claim 1 recites “rendering consistent color data for the color inkjet printer based on the characterization data.” Independent claim 7 recites “code to render consistent color for the inkjet printer based on the characterization data.” Independent claim 23 recites “a printer color collection program...[comprising] code to render consistent color for the inkjet printer based on the characterization data.”

Applicants respectfully assert that the Examiner has misinterpreted the Kawanabe reference with regard to the above-recited claim features by relying on column 15, lines 26-31, of the Kawanabe reference. On the contrary, lines 26-31 of column 15 of the Kawanabe reference clearly do not disclose the above recited features of claims 1, 7, and 23. In its entirety, this section of the Kawanabe reference states:

Printer driver 114 controls printer 30 for both black and color printing and supplies print data for print out according to the configuration of printer 30. Print data is transferred to printer 30, and control signals are exchanged between host processor 23 and printer 30, gthrough [sic] driver interface 104 connected to line 106 under control of printer driver 114.

Kawanabe, col. 15, lines 26-31.

This section of the Kawanabe reference does not mention “rendering consistent color,” as recited in claim 1 much less “rendering consistent color for the inkjet printer *based on the characterization data*.” (Emphasis added). As such, Applicants respectfully assert that the Examiner has not satisfied the Examiner’s burden with regard to the above-described claim features of independent claims 1, 7, and 23. Accordingly, Applicants request the withdrawal of the Section 102 rejections and the allowance of claims 1-12 and 23-26.

Claims 2, 8, and 25

While Applicants respectfully submit that each of the claims dependent on independent claims 1, 7, and 23 is allowable for the reasons set forth above, Applicants would like to specifically address an additional point regarding claim 2 (dependent on claim 1), claim 8 (dependent on claim 7), and claim 25 (dependent on claim 23). Claim 2 recites the method of claim 1 wherein “the characterization data comprises density data *of the color ink cartridge*.” (Emphasis added). Claim 8 recites the program of claim 7 wherein “the characterization data comprises density data *of the color ink cartridge*.” (Emphasis added). Claim 25 recites “[t]he computer system of claim 23, wherein the

characterization data comprises density data *of the color ink cartridge.*” (Emphasis added). In sharp contrast, the Kawanabe reference discloses an “automatic alignment sensor...[that] measures print density and dot locations for automatic for automatic alignment.” Col. 16, lines 23-25. Applicants assert that the print density disclosed in the Kawanabe reference is not “density data of the color ink cartridge,” as recited in claims 2, 8, or 25, but rather density of the dots (i.e., dots per square inch – also known as DPI). *See* col. 16, lines 17-30. As such, the Kawanabe reference cannot disclose the above-recited claim features. Accordingly, for this additional reason, Applicants respectfully request the withdrawal of the Examiner’s rejections against dependent claims 2, 8, and 25, as well as those claims that depend therefrom.

Claims 6 and 12

While Applicants respectfully submit that each of the claims dependent on independent claims 1 and 7 is allowable for the reasons set forth above, Applicants would like to specifically address an additional point regarding claim 6 (dependent on claim 1) and claim 12 (dependent on claim 7). Claim 6 recites “accessing the characterization data *over the internet,*” and claim 12 recites “code to access the characterization data of the color ink cartridge *over the internet.*” (Emphasis Added). To disclose these claim features, the Examiner cited lines 26-29 of column 40 of the Kawanabe reference. In its entirety, this section of the Kawanabe reference states:

In this regard, normally, after going online, host processor 23 will output a status request (STATUS) command to printer 30 in order to obtain any new

information or parameters which may have changed while the printer was offline.

Kawanabe, col. 40, lines 26-29.

Applicants respectfully assert that the Examiner has misconstrued this section of the Kawanabe reference with regard to these claimed features described above.

Specifically, Applicants assert that the Examiner has confused the “on-line” mode disclosed in the Kawanabe reference with accessing the Internet. As the Kawanabe reference makes clear, however, the “going online” disclosed in the Kawanabe reference is not accessing the Internet but rather entering an online mode in which printer 30 is capable of communicating with a computer. *See* col. 40, lines 17-46. For this additional reason, Applicants respectfully request the allowance of dependent claims 6 and 12.

Claims 13-21 and 27-29

Applicants respectfully assert that the Iwasawa reference does not anticipate independent claims 13, 16, 19, and 27, because claims 13, 16, 19, and 27 recite elements that are not disclosed by the Iwasawa reference. Specifically, independent claim 13 recites “code to characterize a color ink cartridge of a color ink jet printer.” Independent claim 16 recites “means for accessing characterization data of a color ink cartridge of a color ink jet printer.” Independent claim 19 recites “characterizing a color ink cartridge of a color ink jet printer.” Independent claim 27 recites “means for characterizing a color ink cartridge of a color ink jet printer.”

In sharp contrast to claims 13, 16, 19, and 27, the Iwasawa reference is directed towards a “multi-nozzle type ink jet recording apparatus so as to eject ink from each of a plurality of ink nozzles towards a writing surface by means of an electric field established due to an ink ejecting signal applied to each of the ink nozzles.” Abstract, lines 1-4. The Iwasawa reference makes no mention of ink cartridges, as recited in claims 13, 16, 19 and 27, much less characterization for an ink cartridge. In fact, the Iwasawa reference predates the use of ink cartridges. The multi-nozzle printing system disclosed in the Iwasawa reference employs ink nozzles connected *to a pressurized air source*. See col. 1, lines 14-29. As such, this printing system clearly does not comprise color ink *cartridges* as recited in claims 13, 16, 19, and 27.

Moreover, the recoding apparatus disclosed in the Iwasawa is clearly monochrome (i.e., black and white). As such, the Iwasawa reference cannot disclose either a “color ink cartridge” or a “color ink jet printer,” as recited in the claims quoted above. In fact, the Iwasawa reference does not even mention the word “color.” For at least these reasons, the Iwasawa reference clearly can not disclose the features of claims 13, 16, 19, and 27 outlined above. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections against claims 13, 16, 19, and 27 and the claims that depend thereon.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claim 22 under 35 U.S.C. § 103(a) as obvious over Iwasawa (U.S. Patent No. 4,908,635) in view of Kawanabe et al. (U.S. Patent No.

6,219,153). Applicants respectfully traverse this rejection. Applicants respectfully submit that claim 22 is allowable based on the dependencies on claim 19, because the Kawanabe reference does not cure the deficiencies described above with reference to the Iwasawa reference. For this reasons, claim 22 is believed to be allowable over the cited references taken alone or in conjunction with each other. Thus, Applicants respectfully request withdrawal of the rejection of claim 22.

New Claims

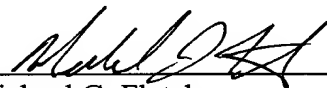
Applicants respectfully request that new claims 30-44 be considered. The claims are fully supported by the specification. Applicants respectfully submit that the prior art of record does not disclose the recited subject matter. Accordingly, Applicants respectfully submit that new claims 30-44 are allowable over the cited references.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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